

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

**Case No. –OA-155 of 2021**

Smt. Bhagmano Debi. - **VERSUS** - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. S. S. Basu, Advocate.
<u>3</u> 23.07.2021.	For the State Respondents	: Mr. G. P. Banerjee, Advocate.
	For the Principal Accountant General (A&E), West Bengal.	: Mr. B. Mitra, Departmental Representative.

The matter is taken up by the single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24<sup>th</sup> December, 2020 and 456-WBAT/2J-15/2016 dated 16<sup>th</sup> July, 2021 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

As prayed for by Mr. S. S. Basu leave granted to the applicant to amend the cause title so far it relates to respondent no. 1.

In this application, Smt. Bhagmano Debi – the applicant, has prayed for several reliefs, the relevant portion of which is as under :-

*“(A) Direction upon the respondent authorities to issue the Family Pension in the name of the applicant being a wife of Late Kapildeo Prosad Pathak.*

*(B) Direction upon the concerned respondent authorities to pay all arrear dues along with interest on account of family pension since the demise of her husband on 07.01.1993 till introduction of regular payment.”*

It appears that the applicant is the widow of late Kapildeo Prosad

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Pathak who had superannuated as Constable of the West Bengal Police on 9<sup>th</sup> July, 1952. The applicant has stated that after the death of her husband she had applied before the appropriate authority for family pension along with the arrears and interest thereof which is yet to be released.

It appears from the application that earlier the applicant had filed an application before the Consumer Disputes Redressal Forum, Howrah being HDF case no. 251 of 1996 and after hearing the applicant the Forum passed an order dated 27<sup>th</sup> May, 1997 to grant ad hoc family pension within a period of eight weeks and direction was also given upon the authorities to grant family pension within a period of six months from the date of the order. On receipt of the said order, the authorities expressed their inability to grant ad hoc family pension to the applicant, since in the office records of late Kapildeo Prosad Pathak the name Ram Kalia appears as nominee and the name of the applicant is yet to be recorded in the pension book and as a result, the respondent authorities were unable to grant family pension. Thereafter, the applicant filed a suit for declaration being Title Suit No. 63 of 1998 before the Learned Civil Judge, Junior Division, 3<sup>rd</sup> Court, Howrah praying for a declaration that the applicant is a widow of late Kapildeo Prosad Pathak and for grant of ad hoc family pension as directed by the Consumer Disputes Redressal Forum, Howrah. On 27<sup>th</sup> January, 2010, the Title Suit was decreed by the Learned Civil Judge, Junior Division, 3<sup>rd</sup> Court, Howrah, declaring that the plaintiff, that is the applicant, is the widow of Kapildeo Prosad Pathak. The applicant has stated that though on 22<sup>nd</sup> May, 2013, she had submitted a representation before the authorities for payment of pension however it is yet to be granted. It appears that thereafter certain correspondences were made. However, till date, no

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order has been passed by the authorities with regard to the payment of pension to the applicant.

Mr. G. P. Banerjee, learned advocate appearing on behalf of the State respondents submits that since the applicant had superannuated on 9<sup>th</sup> July, 1952 and expired on 11<sup>th</sup> August, 1993 and as it is evident that the name of the first wife Ram Kalia appears as a nominee and pension was disbursed to the husband of the applicant from Buxor in the state of Bihar and the records are not easily traceable, the matter requires thorough enquiry.

Mr. B. Mitra – the departmental representative of the Principal Accountant General (A&E), West Bengal adopts the submission of Mr. Banerjee.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by granting liberty to the applicant to file a representation in detail, annexing copies of documents, ventilating her grievances regarding non-payment of family pension and the arrears before the Principal Secretary, Department of Home and Hill Affairs, Government of West Bengal - the respondent no. 1, within four weeks from the date of obtaining a copy of this order downloaded from the internet / website of the Tribunal. If such representation is filed within the time as stipulated, the said respondent no. 1 shall dispose of the same by passing a reasoned order within six months after giving an opportunity of hearing to the applicant or her authorised representative, after verifying the records and certified copy of the judgment dated 27<sup>th</sup> May, 1997 passed by the Consumer Disputes Redressal Forum, Howrah, being A-2 to the

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application and also certified copy of the judgment and decree dated 27<sup>th</sup> January, 2010 in the Title Suit No. 63 of 1998 passed by the Learned Civil Judge, Junior Division, 3<sup>rd</sup> Court, Howrah and after being satisfied with the identity of the applicant and after making necessary enquiry. In the event, it is found that the claim of the applicant is just, proper and genuine, appropriate order shall be passed by the respondent no. 1 within six weeks from the date of passing such order.

Since for circumstances beyond control the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

(SOUMITRA PAL)  
CHAIRMAN

S.M.